

**REMARKS/ARGUMENTS**

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 1 and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by Zmarlicki (Polish Abstract XP-002166914). Applicants traverse this rejection.

Zmarlicki discloses from 0 to 42.8% vegetable triglycerides in the fat phase. This range is below the 60 wt% range recited in claim 1. Furthermore, Zmarlicki is directed at dairy products. These are reported to have 40-80% milk fat. In other words, the reference is concerned with a food having a majority of fat derived from milk. By contrast, the present invention has a majority of fat of vegetable origin. For these reasons, Zmarlicki would not anticipate the claims.

Claims 6 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Zmarlicki as further evidenced by Desrosier. Applicants traverse this rejection.

Anticipation requires the presence of all claimed elements within a single prior art reference. Here the Examiner sets forth a rejection for lack of novelty based on two references. This is an improper novelty rejection. Applicants will consider this rejection as based on 35 U.S.C. § 103(a).

Zmarlicki is focused upon a milk fat dairy spread. The major component is a milk fat in an amount from 40 to 80%. Although sunflower oil is present, the level is a relatively low one ranging from 0 to 30%. By contrast, the present invention claims a

vegetable based food composition. At least 60 wt% of triglycerides therein is of vegetable origin. The Examiner has failed to present a prima facie case of obviousness. Desrosier does not remedy the basic deficiencies of Zmarlicki. A combination of these references would not render the instant invention obvious.

Claims 1-8 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wieske (EP 0 253 429) in view of Hollo (JAOCs 1993). Applicants traverse this rejection.

Applicants have discovered a method and food composition with an improved anti-spattering performance in shallow pan frying of foods. It has been found that sunflower lecithin achieves an excellent anti-spattering effect. The benefits of sunflower lecithin for anti-spattering activity is found in Tables 1-3.

Wieske as confirmed by the Examiner does not disclose these or any type of sunflower lecithin. There is neither native nor hydrolyzed versions of sunflower lecithin reported in this reference.

Hollo in the Abstract section discloses that sunflower lecithin is an additive feedstuff for piglets and porklings. By contrast, the present invention is related to human food compositions, specifically the compositions are suitable for shallow frying. There is no hint in Hollo that spattering performance when used in shallow frying may be improved.

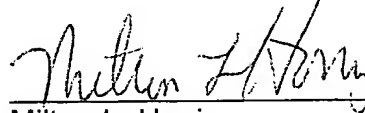
Hollo was introduced for teaching hydrolyzed sunflower lecithin. While this is true, Hollo specifically states that "comparison of the available data shows no significant

difference between soybean and sunflower lecithins". See page 97, left column, third paragraph.

Applicants have demonstrated in Tables 2 and 3 that secondary spattering inhibition (SV2) of both native and hydrolyzed sunflower lecithin are better than the soybean lecithin. Those skilled in the art would have no incentive for substituting the soybean lecithin of Wieske with the sunflower lecithin of Hollo. No advantage would have been taught for the use of sunflower lecithin over that of soybean lecithin. Indeed, Hollo emphasizes that users are reluctant to apply sunflower lecithin because it is more pasty and is, consequently, more difficult to handle. See page 997, left column, third paragraph. For these reasons, a combination of Wieske in view of Hollo would not render the instant invention obvious.

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,



Milton L. Honig  
Registration No. 28,617  
Attorney for Applicant(s)

MLH/sm  
(201) 840-2403